

1 DION N. COMINOS (SBN: 136522)  
 2 MEAGEN E. LEARY (SBN: 233103)  
 3 GORDON & REES LLP  
 4 Embarcadero Center West  
 5 275 Battery Street, Suite 2000  
 6 San Francisco, CA 94111  
 7 Telephone: (415) 986-5900  
 8 Facsimile: (415) 986-8054

9 Attorneys for Defendant  
 10 KELLER WILLIAMS REALTY, INC.

**\*E-FILED - 2/12/09\***

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 STEVE TRACHSEL, an individual, SUN CITY  
 14 TOWERS, LLC, a California corporation, THOMAS  
 15 CIRRITO, and individual, ATOCHA LAND, LLC,  
 16 a Delaware limited liability company, MICHAEL  
 17 CIRRITO, and individual, and CIRRITO  
 18 HOLDINGS, LLC, a Delaware limited liability  
 19 company,

20 Plaintiffs,

21 vs.

22 RONALD BUCHHOLZ, CHARICE FISCHER,  
 23 RDB DEVELOPMENT, LLC, a Nevada limited  
 24 liability company, SOLOMON CAPITAL, LLC, a  
 25 Nevada limited liability company, JONATHON  
 26 VENTO, GRACE CAPITAL, LLC, dba GRACE  
 27 COMMUNITIES, an Arizona limited liability  
 28 company, DONALD ZELEZNAK, Z-LOFT, LLC,  
 an Arizona limited liability company, ZELEZNAK  
 PROPERTY MANAGEMENT, LLC dba KELLER  
 WILLIAMS REALTY, INC., a Texas corporation,  
 and DOES 1-50, inclusive,

Defendants.

CASE NO. C08-2248 RMW  
 [Assigned Judge: Hon. Ronald Whyte]

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO DISMISS WITHOUT  
 PREJUDICE**

29 **IT IS HEREBY STIPULATED** by and between Plaintiffs STEVE TRACHSEL, an  
 30 individual, SUN CITY TOWERS, LLC, a California corporation, THOMAS CIRRITO, and  
 31 individual, ATOCHA LAND, LLC, a Delaware limited liability company, MICHAEL  
 32 CIRRITO, and individual, and CIRRITO HOLDINGS, LLC, a Delaware limited liability

Gordon & Rees LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

1 company, and Defendant KELLER WILLIAMS REALTY, INC. by and through their respective  
2 counsel of record, that this matter be dismissed without prejudice pursuant to Federal Rule of  
3 Civil Procedure 41(a)(1); each party to bear its own fees, costs and attorneys fees.

4  
5 DATED: \_\_\_\_\_, 2009

Attorneys for Plaintiffs STEVE TRACHSEL, et al.

6  
7 By \_\_\_\_\_  
8 Jesshill E. Love, III, Esq.  
9 Todd A. Roberts, Esq.  
10 ROPERS, MAJESKI, KOHN & BENTLEY

11 DATED: January 27, 2009

Attorneys for Defendant KELLER WILLIAMS  
REALTY, INC.

12  
13 By [Signature]  
14 Dion N. Cominos, Esq.  
15 Meagen E. Leary, Esq.  
16 GORDON & REES LLP

17 DATED: \_\_\_\_\_, 2009

Attorneys for Defendants JONATHAN VENTO;  
GRACE CAPITAL, LLC; ZELEZNAK  
PROPERTY MANAGEMENT LLC; DONALD  
ZELEZNAK;

18  
19  
20 By \_\_\_\_\_  
21 Michael George Descalso, Esq.

22 DATED: \_\_\_\_\_, 2009

Attorneys for Defendants RDB DEVELOPMENT  
LLC; SOLOMON CAPITAL, INC.; CHARICE  
FISCHER; RONALD BUCHHOLZ

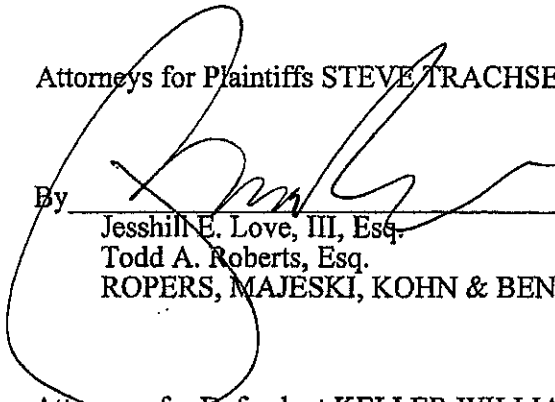
23  
24 By [Signature]  
25 Andrew A. August, Esq.  
26 Kevin F. Rooney, Esq.  
27 William W. Schofield, Esq.  
28 THE PINNACLE LAW GROUP

company, and Defendant KELLER WILLIAMS REALTY, INC. by and through their respective counsel of record, that this matter be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1); each party to bear its own fees, costs and attorneys fees.

DATED: 2/3, 2009

Attorneys for Plaintiffs STEVE TRACHSEL, et al.

By

  
Jesshill E. Love, III, Esq.

Todd A. Roberts, Esq.

ROPER, MAJESKI, KOHN & BENTLEY

DATED: January 27, 2009

Attorneys for Defendant KELLER WILLIAMS REALTY, INC.

By

  
Dion N. Cominos, Esq.

Meagen E. Leary, Esq.

GORDON & REES LLP

DATED: \_\_\_\_\_, 2009

Attorneys for Defendants JONATHAN VENTO;  
GRACE CAPITAL, LLC; ZELEZNAK  
PROPERTY MANAGEMENT LLC; DONALD  
ZELEZNAK;

By

Michael George Descalso, Esq.

DATED: \_\_\_\_\_, 2009

Attorneys for Defendants RDB DEVELOPMENT  
LLC; SOLOMON CAPITAL, INC.; CHARICE  
FISCHER; RONALD BUCHHOLZ

By

Andrew A. August, Esq.

Kevin F. Rooney, Esq.

William W. Schofield, Esq.

THE PINNACLE LAW GROUP

Gordon & Rees LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

1 company, and Defendant KELLER WILLIAMS REALTY, INC. by and through their respective  
2 counsel of record, that this matter be dismissed without prejudice pursuant to Federal Rule of  
3 Civil Procedure 41(a)(1); each party to bear its own fees, costs and attorneys fees.

4  
5 DATED: \_\_\_\_\_, 2009

Attorneys for Plaintiffs STEVE TRACHSEL, et al.

6  
7 By \_\_\_\_\_  
8 Jesshill E. Love, III, Esq.  
9 Todd A. Roberts, Esq.  
10 ROPERS, MAJESKI, KOHN & BENTLEY

11 DATED: January 27, 2009

Attorneys for Defendant KELLER WILLIAMS  
REALTY, INC.

12  
13 By [Signature]  
14 Dion N. Cominos, Esq.  
15 Meagen E. Leary, Esq.  
16 GORDON & REES LLP

17 DATED: 1/27, 2009

Attorneys for Defendants JONATHAN VENTO;  
GRACE CAPITAL, LLC; ZELEZNAK  
PROPERTY MANAGEMENT LLC; DONALD  
ZELEZNAK;

18  
19 By [Signature]  
20 Michael George Descalso, Esq.

21 DATED: \_\_\_\_\_, 2009

Attorneys for Defendants RDB DEVELOPMENT  
LLC; SOLOMON CAPITAL, INC.; CHARICE  
FISCHER; RONALD BUCHHOLZ

22  
23 By \_\_\_\_\_  
24 Andrew A. August, Esq.  
25 Kevin F. Rooney, Esq.  
26 William W. Schofield, Esq.  
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28

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San Francisco, CA 94111

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that this matter is dismissed,  
without prejudice.

DATED: 2/12/09

*Ronald M. Whyte*  
UNITED STATES DISTRICT JUDGE

1 : Steve Trachsel, et al. v. Ronald Buchholz, et al.  
 2 United States District Court Northern District of California, San Jose Division  
 Case No. No. C08 02248

3 **PROOF OF SERVICE**

4 I am a citizen of the United States. My business address is 275 Battery Street, Suite  
 5 2000, San Francisco, CA, 94111. I am employed in the City and County of San Francisco where  
 this service occurs. I am over the age of 18 years and not a party to the within action.

6 On February 3, 2009, following ordinary business practice, I served a true copy of the  
 7 foregoing document(s) described as:

8 **STIPULATION AND [PROPOSED] ORDER TO DISMISS WITHOUT PREJUDICE**

9 ☒ **BY (CM/ECF) ELECTRONIC CASE FILE SYSTEM:** with the United States  
 District Court, Northern District, to all parties listed on the court's proof of electronic  
 service.

10 ☐ **BY FACSIMILE:** by transmitting by facsimile to the number(s) listed above to the  
 11 fax number(s) set forth below, or as stated on the attached service list, on this date  
 before 5:00 p.m.

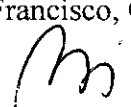
12 ☐ **PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand this date  
 13 to the offices of the addressee(s).

14 ☐ **MAIL:** I caused such envelope(s) with postage thereon fully prepaid to be placed in  
 the United States mail at Sacramento, California to the offices of the addressee(s)  
 listed below:

15 ☐ **OVERNIGHT DELIVERY:** I caused such envelope(s) to be delivered to an  
 16 overnight delivery carrier with delivery fees provided for, addressed to the person(s)  
 on whom it is to be served.

17  
 18 I declare under penalty of perjury under the laws of the State of California that the  
 19 foregoing is true and correct.

20 Executed on February 3, 2009 at San Francisco, California.

21   
 22 \_\_\_\_\_  
 Dina Cordero

Gordon & Rees LLP  
 Embarcadero Center West  
 275 Battery Street, Suite 2000  
 San Francisco, CA 94111